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ABSTRACT

This pamphlet is designed to help school personnel in Massachusetts achieve equal opportunity in physical education and sports programs for all students, regardless of sex. Answers are provided for some of the most commonly raised questions on this issue: (1) Do the regulations require that all physical education classes be coeducational? (2) Do the regulations require that the physical education curriculum be identical for boys and girls? (3) What constitutes an equitable athletic budget under Massachusetts' Chapter 622 and the Federal government's Title IX? (4) Where are the funds to come from to expand extracurricular sports programs? (5) Why can't top expenditures for one or two sports be justified in terms of gate receipts? (6) What point is there in developing a girls' team in a particular sport if there are no other teams for them to play? (7) In view of equal opportunity regulations, what can prevent boys from trying out for and taking over girls' teams? (8) When differences appear between the regulations of Chapter 622 and those of Title IX, which is applicable? Programs developed in several Massachusetts school districts for equalizing physical education programs are described, and a list of additional resources is provided. (Author/MK)

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EQUAL OPPORTUNITY IN PHYSICAL EDUCATION AND ATHLETICS

CHAPTER 622 TITLE IX

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GOALS CHAPTER 622 TITLE IX

The Commonwealth of Massachusetts' Chapter 622, an act which prohibits discrimination in the public schools on account of race, color, sex, religion and national origin, and the Federal government's Title IX, which deals with sex bias in education, have been seen by schools and the general public as specifically affecting physical education and athletics. The reasons for this are apparent. Access to physical education courses in our public schools have been determined by sex, and sports programs for girls have been minimal compared to those offered to boys. The task clearly specified by both Chapter 622 and Title IX is to equalize opportunity in these areas for all students, regardless of sex or background.

The purpose of this pamphlet is to aid concerned school personnel in achieving this goal by offering answers to some of the questions that have been raised in numerous discussions and meetings with teachers and administrators during the course of this school year.

Chapter 622 of the Acts of 1971 is now codified in the Massachusetts General Laws as Chapter 76, Section 5 and Chapter 76, Section 16. Chapter 622 Regulations were adopted by the Board of Education on June 24, 1975 and became effective September 1, 1975. Title IX (of the Education Amendments of 1972) regulations were developed by the Department of Health, Education, and Welfare, and became effective July 21, 1975.

West Point's first woman gym instructor, Sue Peterson, shows cadet how to defend himself. Boston Globe, February, 1976, A.P. Photo.

1

DO THE REGULATIONS REQUIRE THAT ALL PHYSICAL EDUCATION CLASSES BE COEDUCATIONAL ?

Chapter 622 and Title IX both call for physical education classes to be conducted on a coeducational basis. Chapter 622 allows for separation only if it is deemed necessary with respect to personal privacy, such as a unit on human sexuality in a health education class. The real question then is how to successfully achieve coeducation. Some of the resources listed at the end of this pamphlet provide examples of different approaches, such as more individualized instruction or ability grouping where it is functional and not based on stereotyped notions of the capabilities of boys or girls. Many schools have modified their physical education curricula by including more "lifetime" activities such as biking and cross country skiing with their emphasis on individual skill development.

The objections to having boys and girls together—such as "they would be embarrassed," "girls can't compete," "girls are more susceptible to injury"—have disappeared in well run programs where students are taught to respect each other as individuals, to be supportive of one another, and where instruction and structure combine to minimize the potential for injuries. In classes where this is happening both students and faculty evince a seriousness of purpose, and the girls, as a whole, display a much greater drive to assert themselves. Teachers have noted that discipline problems are minimized in coeducational classes. Some schools have found it useful to develop female and male teaching teams, while others simply have the instructor (male or female) who is most qualified conduct the class.

It is important that staff be given an opportunity to help develop coeducational programs in a way that is most comfortable for them, and that they have an opportunity to develop their own skills, where necessary, to meet these new demands. For a coeducational program to succeed, instructors must also be aware of their own attitudes so that they do not treat boys and girls stereotypically—as by "protecting" girls in not letting them handle heavy equipment, or by suggesting that push-ups will help the girls to be physically attractive, while they will help boys to be good athletes. Goals of attractiveness and competence are not unreasonable, but they can be made equally meaningful and sensible to both sexes. Directed properly, coeducation physical education classes promote a healthy respect for the opposite sex and aid in developing a mutual sharing of interests.

2

DO THE REGULATIONS REQUIRE THAT THE PHYSICAL EDUCATION CURRICULUM BE IDENTICAL FOR BOYS AND GIRLS ?

Not only must curriculum offerings be identical, they may not be labeled "girl" or "boy." It is important to see that all goals, objectives, and skill development standards are constructed to measure and encourage individual development. Some students, of course, will be more skillful and interested in certain activities than in others, but not necessarily because of their sex. Chapter 622 and Title IX can be very helpful to physical education departments in reevaluating and updating their own curriculums.

Though a few systems have offered students elective choices that were designed to perpetuate single sex classes, such as a choice between field hockey and soccer, schools which have actively encouraged their students to broaden their range of interest and skills, have found that boys and girls are signing up in about equal numbers for activities traditionally associated with only one sex. A number of Massachusetts school systems applied for and are presently receiving Title IV C (innovative education) funds to develop "Outward Bound" type of programs with their emphasis on developing both self-confidence and cooperation with others.

Though it is not mandated by law, many school districts throughout the country have found that coeducational and identical curriculum offerings become far more workable when their Girls' Physical Education and Boys' Physical Education departments are merged. Questions concerning scheduling, who gets the better facilities or equipment, or who grades whose students if they are in *their* unit are considerably reduced when departments within a building or a system are not sex-separate.

3

WHAT CONSTITUTES AN EQUITABLE ATHLETIC BUDGET UNDER CHAPTER 622 AND TITLE IX ?

Both the regulations for Chapter 622 (S. 6.04) and Title IX (S. 86.41, a & b) call for a fair distribution of expenditures in the athletic budget to reflect equal opportunity for girls and boys. Determining criteria would include the number of females and males participating; the number and nature of activities offered; levels of competition; access to facilities; playing and practice time; equipment, supplies, uniforms, awards; coaching and instruction; services (medical, publicity, audiovisual, administrative, clerical).

One way to identify areas where underrepresentation and/or discrimination occurs is to draw up an athletics analysis chart.[1]

Varsity Athletics

	No. of Boys	No. of Girls	Coaching Salary	No. of Uniforms	(*Other Items*)	Budget Allocated
FOOTBALL						
BASKETBALL						
(*LIST ALL SPORTS OFFERED*)						
INTRAMURALS						

Make a similar chart for Junior Varsity Athletics.

[1]*Developed by Dr. Harriet B. Forkey and Donald F. Day, Consultants, State of New Hampshire Department of Education.*

4

WHERE ARE THE FUNDS TO COME FROM TO EXPAND EXTRACURRICULAR SPORTS PROGRAMS ?

Though this question is asked with great frequency, it is somewhat misleading. Neither Chapter 622 nor Title IX demands overall expansion in any area; rather they stress equitable distribution. If self-analysis indicates the need for reallocation of funds, it will also show what direction this must take. Thus an athletics department may have to forego the purchase of new uniforms for a long established boys' team in order to provide uniforms for a girls' team that has never had uniforms purchased for it. Or the monies originally budgeted for audio-visual aids for one team, may have to be transferred to buy basic equipment for students to pariticipate in another sport.

No school district has limitless funds to provide, but as in physical education, equal opportunity regulations can be used to reassess the after-school sports program to determine precisely what percentage of the total school budget is being used and which students are benefiting. Extracurricular activities, which are entirely voluntary, must be secondary to basic curriculum in all disciplines. Sufficient budget should, therefore, be provided first for physical education which benefits all students.

Even varsity sports can be played without many of the costly extras that are sometimes budgeted for them at the expense of other activities. Total reassessment may indicate the need for more intramural activities for both boys and girls, and should be based on ascertained student interest within the limits of practical considerations. Here, again, the attitudes of personnel will play a major role in determining the success of programs. For instance, when a school district first opens a particular after school sports program to girls, the success or failure of that program in each individual school has been shown to be clearly dependent on the level of encouragement and support offered by coaches and administration. In other instances, newly designed coeducational elementary recreational programs were at first disdained by boys for whom the message was conveyed that anything but a competitive team sport was strictly girls' stuff. When these attitudes were actively challenged by some staff, the popularity of these programs for both sexes grew to the point where they needed considerably more budget to function. Hopefully, such needs will be reflected in new funds or the reallocation of other athletic monies. In our public schools, extracurricular activities, as well as basic curriculum, must attempt to provide the best possible programs for the most students.

5

WHY CAN'T TOP EXPENDITURES FOR ONE OR TWO SPORTS BE JUSTIFIED IN TERMS OF GATE RECEIPTS ?

This question, like Question 4, tends to confuse the issue. High gate receipts are usually the result of considerable initial support and expenditure. Thus in the state of Iowa where a concentrated effort was made over a period of years to develop girls' sports, including the hiring of a top flight administrator, girls' championship basketball often outdraws the boys'.

In most cases, however, gate receipts cover only the built-in expenses of running such a program (stadium, publicity, administration, etc.) and do not contribute to the general athletic fund. The most important consideration, of course, is whether revenue producing activities necessarily add to the educational experience of students, which, finally, is the only justification for a school's providing such activities. Those committed to competitive sport and who feel it is indeed valuable in developing both healthy aggressiveness and a sense of teamwork, must then make sure the opportunity to participate in such activity is provided for as many students as possible.

6

EVEN IF THERE IS INTEREST, WHAT POINT IS THERE IN DEVELOPING A GIRLS' TEAM IN A PARTICULAR SPORT IF THERE ARE NO OTHER TEAMS FOR THEM TO PLAY ?

This question raises the larger issue of where change should be initiated when more than one school district is involved in competition. Mechanisms vary, but certainly committees established for this purpose in the statewide professional organizations, and representatives to athletic leagues should be taking the lead in considering imaginative solutions to reflect changing needs and interests. One such proposal for varsity athletics has been to form coeducational teams with girls competing against girls and boys against boys in separate squads. For instance, instead of single sex junior varsity and senior varsity basketball games being played in a single evening, a boys' game and a girls' game would be played. League championships would be determined by considering equally the wins and losses of both squads. District, regional, and state tournaments would be expanded as well. Such plans (consider Olympic scoring) have proved workable. Objections to trying them are sometimes based on general resistance to change and an attitude, unfortunately still prevalent, that the arena of serious competitive sport, is really not an appropriate place for females.

7

IN VIEW OF EQUAL OPPORTUNITY REGULATIONS, WHAT CAN PREVENT BOYS FROM TRYING OUT FOR AND TAKING OVER GIRLS' TEAMS ?

As cancelling out the possibility for girls' participation clearly would not be providing equal opportunity, current regulations for Chapter 622 and Title IX work to prevent this. Chapter 622 prohibits any school from taking action which would tend to reduce the number of female participants in intramural and interscholastic athletic activities from that of the previous academic year, until such time as an equalization of male and female participation has been achieved. This would allow a school to limit boys' participation on previously "all girl" athletic teams if their participation would reduce the number of female participants in total from that of the previous year. Title IX states that if an institution maintains only a single-sex team in a non-contact sport for which membership is based upon competitive skill, students of the sex for which no team is provided must be allowed to try out for membership on that team *only if* overall athletic opportunities have been limited for members of the excluded sex.

If, for example, a large group of boys was interested in playing a formerly "girls" sport such as softball and their exclusion would be permissible under the above criteria, it would be the responsibility of the school system to determine how this opportunity might be provided, through the development of another single sex team or by creating another coeducational team. If new monies were not available, it would be reasonable to consider dropping another activity if it was found to serve fewer students.

Since the subject of "denial" is a particularly sensitive one, it might be helpful to note that the present Chapter 622 athletic regulations have been reviewed by the Commonwealth's attorney general and found to be "a valid regulation implementing General Law Chapter 76 S.5." This also applies to females trying out for male teams, even in contact sports. Several courts throughout the country "have found rules which *bar* coeducational athletic teams to violate the equal protection guaranteed by the Fourteenth Amendment to the United States Constitution."

8

WHEN DIFFERENCES APPEAR BETWEEN THE REGULATIONS OF CHAPTER 622 AND THOSE OF TITLE IX, WHICH IS APPLICABLE ?

"In several areas the Chapter 622 Regulations go beyond the Title IX Regulations in attempting to equalize educational opportunities for students. In those cases, the Chapter 622 regulations must be followed. With the exception of certain provisions of the Title IX regulations governing employment and self evaluation, "... a school that is in compliance with the Chapter 622 regulations is also in compliance with the Title IX regulations."

School districts that have been in the process of implementing these regulations are beginning to be able to assess their effects in providing all students with quality programs in physical education and athletics. It would be most helpful if such information could be shared by communicating it to the Chapter 622 Coordinator in your region.

RESOURCES

I . . . The following are available from the State Department of Education Centers or from the Bureau of Equal Educational Opportunity, Massachusetts Department of Education, 182 Tremont Street, Boston, MA 02111.
A . . . CHAPTER 622 REGULATIONS
B . . . TITLE IX AND CHAPTER 622: COMPLIANCE GUIDELINES FOR PUBLIC SCHOOLS
C . . . RESOURCE LIST OF CONSULTANTS WORKING ON THE ISSUES OF EQUAL EDUCATION OPPORTUNITY. Includes names of individuals and organizations available for in-service presentations.
D . . . KALEIDOSCOPE 13: WHAT TO DO ABOUT 622, WINTER 1975. Includes descriptions of specific physical education and athletic programs in Massachusetts' public schools.
E . . . LAW AND PHYSICAL EDUCATION: THREE APPROACHES TO CHAPTER 622. This video tape cassette depicts actual programs in the Lexington, Lincoln-Sudbury, and Brockton schools. It would be extremely useful for in-service presentations.
F . . . TESTIMONY OF DR. LYLE MICHELI, DIRECTOR OF THE DIVISION OF SPORTS MEDICINE AT CHILDREN'S HOSPITAL, BOSTON. In this statement, delivered at the hearing on Senate Bill 211, February 1976, before the Education Committee of the General Court, Dr. Micheli deals with the risk of injury to girls playing on inter-school coeducational athletic teams and concludes that there is no clear evidence that there would be an increased risk of injury over boys.

II . . . The following are available from the Office of Civil Rights, Department of Health, Education and Welfare, RKO Building-Government Center, Bulfinch Place, Boston, MA 02114.
A . . . TITLE IX REGULATIONS
B . . . MEMORANDUM: ELIMINATION OF SEX DISCRIMINATION IN ATHLETIC PROGRAMS

III . . . The following materials include analyses of the current state of physical education and athletics in the nation's schools and suggest reasonable approaches for change.
. . . CHANGE IN P.E. SEQUEL STYLE. Prepared by Educational Media and Technical Center, Santa Cruz County Office of Education, California.
. . . Gander, Mary J. FEMININE & MASCULINE ROLE STEREOTYPING IN PHYSICAL EDUCATION & COMPETITIVE SPORTS. University of Wisconsin-Extension, 233 Lowell Hall, 610 Langdon Street, Madison, Wisconsin 53706.
. . . Gilbert, Bill and Williamson, Nancy. "Women in Sports". SPORTS ILLUSTRATED, May 28, June 4 and June 11, 1973. Ms. Magazine Corporation, 370 Lexington Ave., N.Y., N.Y. 10017.
. . . Leonard, George. "Why Johnny Can't Run and Other Gym Class Scandals". ATLANTIC, August 1975.
. . . Scott, Ann Crittenden. "Closing the Muscle Gap". MS., September, 1974.
. . . Scott, Jack. "Women in Sports: She Dives Like a Man, SPORT: America's Masculinity Rite". Institute for the Study of Sport and Society. Berkeley, California.
. . . SEX DISCRIMINATION IN ATHLETICS AND PHYSICAL EDUCATION. 1975. Women's Rights Project, American Civil Liberties Union, 22 E. 40th St., New York, N.Y. 10016. $1.50
. . . Ulrich, Celeste. "She Can Play as Good as Any Boy." PHI DELTA KAPPAN, Volume LV, #2, October, 1973.
. . . WHAT CONSTITUTES EQUALITY FOR WOMEN IN SPORTS? FEDERAL LAW PUTS WOMEN IN THE RUNNING. Prepared by the Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., Washington, D.C. 20009.

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The Massachusetts Department of Education insures equal employment/educational opportunities/affirmative action regardless of race, color, creed, national origin, or sex, in compliance with Title IX, or handicap, in compliance with Section 504.

APPROACHES TO EQUAL OPPORTUNITY IN PHYSICAL EDUCATION

The school districts cited here are among those in Massachusetts that have made a concerted effort to expand or modify their physical education programs in order to more effectively meet the needs of all their students. The programs vary according to the capabilities and needs of each district. What they all share, however, is an emphasis on developing understanding and committed personnel.

Acton-Boxborough,
16 Charter Road, Acton 01720
Information Contact:
Gary G. Baker, Assistant Superintendent
Carolyn Tripp, Project Director
617-263-9503
"Project Challenge" will involve not only high school students in its outdoor activities, but will include junior high school and elementary students in grades four through six. Physical education instructors and guidance counsellors are both involved in planning the curriculum.

Brockton Public Schools,
40 Summer Street, Brockton 02402
Information Contact:
James Lazour,
Director of Physical Education
617-588-7800
Coeducational programming at the junior high level has resulted in students' acquiring a greater variety of skills as well as positive increments in social and emotional development. For staff there has been greater rapport between female and male instructors and improved teaching. A further benefit is a reduction in the amount of equipment purchased.

Lexington Public Schools,
251 Waltham Street, Lexington 02173
Information Contact:
Ralph V. Lord, Jr.,
Coordinator of Physical Education, Health & Athletics
617-862-7500 ext. 143
A totally coeducational K-12 physical education program. Utilization of staff and varying skill levels among students were problems resolved in developing this program.

Lincoln-Sudbury,
390 Lincoln Road, Sudbury 01776
Information Contact:
Barbara Athy,
Coordinator of Physical Education
617-443-9961
An intrinsic part of this coeducational program are activities designed to develop self-confidence, healthy competition, and group problem solving.

Northeast Metropolitan Regional Vocational School District,
P.O. Box 238, Wakefield 01880
Information Contact:
H. Edward White,
Head of Physical Education Department
"Project Equality" is designed to meet the need of equalizing opportunities for male and female students in physical education and intramural activities. All students will be involved in this program which attempts to overcome traditional separation of the sexes in physical education programs. Involved in its implementation is not only the regular physical education staff, but guidance, academic, and vocational personnel.

Oxford Public Schools,
Oxford High School, Main Street, Oxford 01540
Information Contact:
Andrew Hescheles,
Chairman, Department of Health & Physical Education
617-987-8144
A Title IV-C funded program, "Project Alpine" (Adventure Learning Program in a Natural Environment) is a staff-and-student-designed physical education program that provides a variety of non-traditional, non-stereotyped activities.